Center for Immigration Studies

Backgrounder

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Taking Chances

The Folly of the Visa Lottery

By Mark Krikorian

Because of the overwhelming role family connections play in current immigration law, most newcomers to the United States tend to come from a handful of countries, mostly in Latin America and Asia. In 1986, Congress used this lack of immigrant diversity as a pretext for instituting an affirmative action program for white immigrants, in the form of a "diversity lottery." Devised by its sponsors (Irish-American members of Congress) as a subterfuge to amnesty Irish illegal aliens, the program continues even in the absence of any more Irish illegals — Ireland is now a country of *im*migration for the first time in centuries.

Nonetheless, the lottery — like many other federal programs — has taken on a life of its own. It has evolved over the years, and now offers a maximum of 50,000 visas per year to people from "underrepresented" countries, i.e., all the nations of the world other than the top dozen or so sources of immigration.[1] In practice, this means that most visa lottery winners come from the Islamic world and sub-Saharan Africa; in the results of the FY 2004 lottery,[2] announced in June 2003, Ireland fell to 52nd place, behind Azerbaijan and Tanzania, and in FY 2002 only 58 people from Ireland ended up actually getting green cards via the lottery.

Unlike other components of the federal immigration program, the lottery has no constituency — no citizens clamoring for the admission of relatives, no businesses seeking cheap foreign labor, no human rights crusaders demanding that America's borders be abolished to allow all the world's dispossessed to move here. Several years ago, even the then-communications director of the umbrella organization for the open-borders lobby, the National Immigration Forum, admitted to me that they had little interest in the lottery.

Rep. Bob Goodlatte (R-Va.), a former immigration lawyer, introduced a bill (H.R. 775) last year to eliminate the visa lottery, though it hasn't been acted on yet. This was tried before, in 1995-96, as part of the broad overhaul of legal immigration patterned on the recommendations of Barbara Jordan's bipartisan Commission on Immigration Reform, but the overall reform effort fell apart for reasons unrelated to the lottery.

The program seems to persist for two reasons: nostalgia and fear of the slippery slope. As for the first, images of the Auld Sod hold members of Congress in their thrall. In one legislative markup session during the mid-90s debate over legal immigration, a congressman asked a member of his staff what the Diversity Visa Program was, and was told it was the "Irish Program," which ended the discussion for him, even though the lottery had long since ceased favoring the Irish. Secondly, many supporters of mass immigration don't want to give an inch on any part of the issue, even one which no one wants, lest the whole can of worms be opened and the preferences of the American people actually end up being incorporated into immigration policy.

But it's long past time to get rid of the lottery. Here's why:

No Actual Diversity. Despite the moniker, the lottery hasn't done anything to diversify the immigrant flow. In FY 2002, the top ten immigrant-sending countries were the source of more than half of that year's total legal immigration (almost exactly the same percentage as ten years earlier), and only one — Bosnia Herzegovina — was in Europe. In fact, the nation's total immigrant population (legal and illegal) has actually become *less* diverse during the course of the lottery; a recent analysis of Census data by the Center for Immigration Studies found that from 1990 to 2000, Mexicans went from 22 percent of all immigrants to 30 percent, while immigrants from all of Spanish-speaking Latin America combined went from 37 to 46 percent of the total foreign-born population.[3]

Mark Krikorian is Executive Director of the Center for Immigration Studies.

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Corrupt Third World countries are precisely the places that people want to get out of, so it makes sense that that's where the demand for immigration comes from. But this poses enormous problems for a modern system of regulation that attempts to apply even the most minimal of requirements.

Truly diversifying immigration would entail one of two things: huge reductions in immigration from Mexico, or huge increases in immigration from everywhere else. The lottery simply cannot do what it purports to.

Inadequate Requirements. Flawed though it is, the lottery might appear more plausible if it took the 50,000 most qualified people among the millions who apply. But instead, the requirements for entry are so low as to be meaningless — they do nothing to ensure that applicants have skills that a modern economy needs. Applicants must have (or lie about having; see below) either a high school education or equivalent, or "two years of work experience within the past five years in an occupation requiring at least two years of training or experience to perform." The Labor Department's Occupational Information Network (online.onetcenter.org) lists the jobs that fall under this convoluted formulation, including many that are hardly the supposed "jobs Americans won't do": travel agents, insurance agents, restaurant hostesses, actors, "Mental Health and Substance Abuse Social Workers," "Caption Writers," "Title Examiners and Abstractors," and "Costume Attendants."

Rampant Fraud. Even this low threshold for participation assumes, of course, that the credentials presented are valid. Given the countries that lottery applicants are coming from, this is unlikely, to say the least. The two most corrupt nations in the world, according to Transparency International's Corruption Perceptions Index 2003[4] are Bangladesh and Nigeria — which are also perennially among the top ten lottery winners.

State Department records from 1996 (we can't get more recent ones) show that lottery winners are even more likely than other immigration applicants to be refused a visa due to fraud. Among the top ten nations in the FY 2004 lottery, diversity visa refusal rates from 1996 were as follows: Poland 24%, Ethiopia 38%, Bangladesh 44%, Egypt 46%, Ghana 62%, and the country with the largest number of lottery winners, Nigeria, had a visa refusal rate of a whopping 80%.[5] And these rates would be higher but for the State Department's notorious laxity with regard to fraud in the visa process. Apart from the general prevalence of fraud in these countries, the lottery itself is a problem, since it invites applications from almost anyone, and only requires them to show they qualify after they are selected, prompting a mad rush for bogus documents once the winners are notified.

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Security Threat. Of course, fraud is bad enough when people lie about their education or work experience. But after 9/11, immigration fraud of any kind poses a dire security threat. First of all, weeding out fraudulent lottery applications, and even processing legitimate ones, is a diversion for an agency that's supposed to be identifying terrorists among the millions seeking to come to America. An internal audit conducted by the State Department in the 1990s characterized the visa lottery as a costly unfunded mandate that saps personnel resources.[6]

Nor does the lottery draw people randomly from around the globe whose backgrounds then need to be examined. Winners come disproportionately from the Islamic world, with about one-third coming from Muslim-majority countries. What's more, the lottery is a disproportionately important means of immigration for people from those countries; while only about 10 percent of all people who got green cards last year from countries eligible for the lottery were beneficiaries of the lottery (the rest came under other immigration categories), the proportion for many Muslim countries was much higher. It's bad enough that around 10 percent of immigrants from Saudi Arabia, Pakistan, and Yemen used the lottery, but some 20-25 percent of immigrants from Egypt, Bangladesh, and Sudan came that way, as did nearly half of Moroccan and Algerian immigrants.

A survey of the religious preferences of immigrants confirms this. Although the sample size was small, it found that 18.6 percent of Muslim immigrants who received green cards in 1996 entered under the visa lottery, the second-largest immigration avenue for Muslim immigrants after marriage to a U.S. citizen. What's more, about one-fourth of all immigrants using the visa lottery identified themselves as Muslims, while only 8 percent of the total number of immigrants in the survey did so.[7]

This isn't simply gratuitous profiling. A number of lottery winners have already been involved in terrorism in the United States. Michigan sleeper cell member Karim Koubriti, convicted last summer of terrorism-related charges, was a lottery winner from Morocco, along with Ahmed Hannan, who was acquitted of terrorism charges in the same trial but convicted of document fraud. The most notorious lottery winner is Hesham Mohamed Ali Hedayet, the Egyptian immigrant who went to

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Los Angeles International Airport to kill Jews on July 4, 2002. Hedayet came to this country in 1992 on a temporary visa, became an illegal alien when he overstayed his welcome, then applied for asylum, was denied, again becoming an illegal alien, and finally got a green card when his wife won the lottery.

Momentum for Illegal Immigration. No one wakes up in Mecca and says, "Today, I will move to Hoboken!" Immigration takes place by way of networks of relatives, friends, acquaintances, or fellow countrymen already in the United States, and the lottery helps create new networks where none previously existed. Thus established, these networks plant the seed of a new idea — immigration to America — in the minds of millions, leading not only to further legal immigration, but also to new streams of illegal immigration.

The forces set in motion by the lottery are so powerful that even 9/11 didn't make much of a dent. The lottery for FY 2003 was started just three weeks after the attacks, and although the number of applicants was indeed down from the previous year, it was still a colossal 8.7 million, about two and half million of them from Muslim-majority countries.[8]

Troll the Internet and you can see the lottery's power to spark interest in coming to America. In response to "green card lottery," Google returns 128,000 hits, including sites like dreamofusa.com, visaforyou.org, mygreencard.com, rapidimmigration.com, greencardgratis.de, and hundreds of others. The frenzy surrounding the lottery is so intense that crooked attorneys and "consultants" have grown fat off of unsuspecting would-be immigrants, claiming that, for a fee, they can guarantee a winning application. This prompted the Federal Trade Commission to issue a Consumer Alert last October warning of the scams.[9]

One positive development is that the State Department entered the 21st century by requiring that FY 2005 lottery applications be submitted on line, at www.dvlottery.state.gov (the application period ended December 30, 2003), in order to build up a database of names, photos, and biographical information to help "thwart terrorists or criminal aliens who may use the DV program to enter the United States." The additional technical hurdles led to a drop in the number of applications, but the total was still 5.9 million.

The forces unleashed by the lottery manifest themselves outside cyberspace, as well. In 1997, police in Freetown, Sierra Leone, fired on stone-throwing rioters who attacked the central post office after thousands of completed lottery applications were found dumped in the sea.[10] A local newspaper speculated that the government ordered the applications thrown away to hide the locals' eagerness to leave. After the U.S. embassy in Freetown was closed due to political turmoil later that same year, hundreds of Sierra Leonean lottery applicants went to Ghana to pursue their applications. Only five actually received visas, prompting many of the losers to demand refugee status in Ghana.

Cutting in Line. The list of people who have family-based immigration applications pending, but who have to wait because of various category and per-country limits, is now approaching five million. Spouses and children of legal permanent residents from India or the Philippines now getting their green cards have been waiting since 1998, and the same category of people from Mexico have been waiting since 1996. If, for some reason, we decide that we need 50,000 additional people each year, wouldn't it make more sense to take the next 50,000 husbands, wives, and little kids of legal permanent residents, rather than complete strangers with no family, no skills, and no jobs?

There is a Chinese saying, to justify gambling, that it's always advisable to "leave the window open to chance." There is always the chance some lottery winner will be a future inventor, entrepreneur, or even just a decent, God-fearing citizen pulling his own weight. Unfortunately, "chance" can go both ways, and, in the case of the lottery, it already has. The sooner we bring an end to this program, the better.

Endnotes

[1] Natives of the following countries are the only ones who were not eligible for the 2005 visa lottery: Canada, Mainland China (except for Hong Kong and Macau), Colombia, the Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Pakistan, the Philippines, Russia, South Korea, the United Kingdom (except for Northern Ireland), and Vietnam.

[2] http://travel.state.gov/dv2004results.html

[3] "Where Immigrants Live: An Examination of State Residency of the Foreign Born by Country of Origin in 1990 and 2000," by Steven A. Camarota and Nora McArdle, Center for Immigration Studies *Backgrounder*, September 2003, http://www.cis.org/articles/2003/back1203.html

[4] http://www.transparency.org/cpi/2003/cpi2003.en.html

[5] "Visa Lottery Still An Inviting Option," Jessica Vaughan, *Immigration Review* #28, Spring 1997, http://www.cis.org/articles/1997/IR28/visa_lottery.html

[6] ibid.

[7] "Exploring the Religious Preference of Recent Immigrants to the United States: Evidence from the New Immigrant Survey Pilot," by Guillermina Jasso, Douglas S. Massey, Mark R. Rosenzweig, and James P. Smith, in Yvonne Haddad, Jane I. Smith, and John L. Esposito (eds.), *Religion and Immigration: Christian, Jewish, and Muslim Experiences in the United States*, Altamira Press, 2003; an earlier version of the paper is at http://www.pop.upenn.edu/nis/papers/jmrsrel.pdf

[8] http://travel.state.gov/DV-2003results.html

[9] www.ftc.gov/bcp/conline/pubs/alerts/lottery.pdf

[10] "Protesters Riot in Sierra Leone," The Associated Press, February 12, 1997.

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Center for Immigration Studies
1522 K Street NW, Suite 820
Washington, DC 20005-1202
(202) 466-8185
center@cis.org
www.cis.org

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Center for Immigration Studies
1522 K Street NW, Suite 820
Washington, DC 20005-1202
(202) 466-8185 • Fax (202) 466-8076
center@cis.org • www.cis.org